

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
Request for Review of the	)	
Decision of the	)	
Universal Service Administrator by	)	
	)	
Queen of Apostles School	)	File No. SLD-226515
Alexandria, Virginia	)	
	)	
Federal-State Joint Board on	)	CC Docket No. 96-45
Universal Service	)	
	)	
Changes to the Board of Directors of the	)	CC Docket No. 97-21
National Exchange Carrier Association, Inc.	)	

**ORDER**

**Adopted: January 14, 2003**

**Released: January 15, 2003**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Review filed by Queen of Apostles School (Apostles School), Alexandria, Virginia.<sup>1</sup> Apostles School seeks review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) to reject Apostles School's appeal on the grounds that it was untimely filed.<sup>2</sup> For the reasons set forth below, we grant the Request for Review and remand to SLD for further consideration.

2. SLD issued a Funding Commitment Decision Letter on July 23, 2001, approving in part and denying in part Apostles School's request for discounted services under the schools and libraries universal service support mechanism.<sup>3</sup> Specifically, SLD approved Apostles School's request for discounts for telecommunications services, Funding Request Numbers

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<sup>1</sup> Letter from Craig Wojay, Queen of Apostles School, to Federal Communications Commission, filed March 5, 2002 (Request for Review).

<sup>2</sup> See Request for Review. Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

<sup>3</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Mary West, Queen of Apostles School, dated July 23, 2001 (Funding Commitment Decision Letter).

(FRNs) 522582, 522585, and 522587.<sup>4</sup> SLD also denied Apostles School's request for discounted internal connections, FRN 522595.<sup>5</sup>

3. On September 21, 2001, Apostles School filed an appeal of SLD's decision.<sup>6</sup> In its appeal to SLD, Apostles School states that it received the Funding Commitment Decision Letter shortly after July 23, 2001 and noticed that the letter did not include the final page relating to its FRNs and on July 31, 2001 it notified SLD of the problem and requested the missing final page.<sup>7</sup> Apostles School further states that the final page was faxed to it on September 11, 2001, 42 days later after the request. Apostles School claims that September 11, 2001 was the first time it saw the final page of the Funding Commitment Decision Letter and realized that FRN 522582 was much less than the requested amount. Apostles School restates from the September 11, 2001 fax cover page that "Appeals of funding commitments must be filed within 30 days of the date on the original Funding Commitment Decision Letter."<sup>8</sup> On October 15, 2001, SLD issued an Administrator's Decision on Appeal, indicating that it would not consider Apostles School's appeal because it was received more than 30 days after the July 23, 2001 Funding Commitment Decision Letter was issued.<sup>9</sup> Apostles School subsequently filed the instant Request for Review with the Commission.

4. For requests seeking review of decisions issued before August 13, 2001 under section 54.720(b) of the Commission's rules, an appeal must be filed with the SLD or the Commission within 30 days of the issuance of the decision that the party seeks to have reviewed.<sup>10</sup> Documents are considered to be filed with SLD or the Commission only upon receipt.<sup>11</sup> The 30-day deadline contained in section 54.720(b) of the Commission's rules applies to all such requests for review filed by a party affected by a decision issued by the Administrator.<sup>12</sup> Based on the record, it appears that Apostles School did request a copy of the

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<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> Letter from Craig Wojay, Queen of Apostles School, to Schools and Libraries Division, Universal Service Administrative Company, filed September 21, 2001 (Request for Administrator Review).

<sup>7</sup> *Id.*

<sup>8</sup> *Id.* See also Funding Commitment Decision Letter at 6.

<sup>9</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Craig Wojay, Queen of Apostles School, dated October 15, 2001 (Administrator's Decision on Appeal).

<sup>10</sup> 47 C.F.R. § 54.720(b).

<sup>11</sup> 47 C.F.R. § 1.7.

<sup>12</sup> Due to recent disruptions in the reliability of the mail service, the 30-day appeal period has been extended by an additional 30 days for requests seeking review of decisions issued on or after August 13, 2001. See *Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Order, FCC 01-376 (rel. December 26, 2001), as corrected by *Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Errata (Com. Car. Bur. rel. December 28, 2001 and January 4, 2002); SLD website, What's New (January 20, 2002), <<http://www.sl.universalservice.org/whatsnew/012002.asp#extended>>. Because the July 23,

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July 23, 2001 Funding Commitment Decision Letter and that SLD did take 42 days to respond to Apostles School's request. We find that Apostles School's ability to appeal was prejudiced by SLD's unreasonable delay in responding to Apostles School's request for a copy of the missing page from the Funding Commitment Decision Letter. Therefore, we grant Queen of Apostles' Request for Review and remand its application to SLD for further consideration.

5. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed by Queen of Apostles School, Alexandria, Virginia on March 5, 2002, IS GRANTED and its application IS REMANDED to SLD for further consideration.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert  
Deputy Chief, Telecommunications Access Policy Division  
Wireline Competition Bureau

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2001 Funding Commitment Decision Letter was issued before August 13, 2001, the extended appeal period does not apply to Apostles School.